

## **REMARKS**

Claims 1-57 are pending in the subject application with entry of this paper.

Applicant acknowledges the indicated allowability of Claims 6-54 and 56-57.

Claims 1-5 and 55 stand rejected.

### **Specification**

In paragraph 1 of the Office Action, the Office objected to the specification because of several informalities. Applicant has amended the specification to correct the informalities identified by the Examiner. No new matter has been added. Reconsideration and withdrawal of the objection to the specification is respectfully requested.

### **Information Disclosure Statement**

In paragraph 2 of the Office Action, the Office identifies two non-patent literature documents submitted in Applicant's Information Disclosure Statement of September 29, 2005 that were missing dates of publication. Young-Fang Chen, Michael D. Zoltowski "Joint Angle and Delay estimation of DS-CDMA communication systems with Application to Reduced Dimension Space-time 2D Rake Receivers", IEEE Transactions on Signal Processing was published in 1999; and Paulraj, A.J., Papadias, C.B., "Space-Time Signal Processing for Wireless Communications: A Survey" Information System Laboratory, Stanford University was published Apr. 16-18, 1997. A courtesy copy of Applicant's earlier submitted IDS with these updated publication dates is submitted herewith as Exhibit A.

### **Rejection under 35 U.S.C. § 112**

In paragraph 3 of the Office Action, the Office improperly rejects Claims 1-5 and 55 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office

improperly asserts that Claims 1-5 and 55 are indefinite because it is read as a single means claim.

Applicant does not understand the rejection under 35 U.S.C. § 112. Independent Claims 1 and 55 are method claims and are written in Jepson format. Further, neither the environment of Claims 1 and/or 55 nor the improvement over the prior art is written in means-plus-function format. While 35 U.S.C. § 112, sixth paragraph permits claims to be written in means-plus-function format, a rejection based on single means claims may only apply to claims where a means recitation does not appear in combination with another recited element of means. See MPEP § 2164.08(a) and *In re Hyatt*, 708 F.2d 712 (Fed. Cir 1983) (emphasis supplied). Claims 1 and 55 are method claims that do not recite means and thus cannot be subject to a single means rejection under MPEP § 2164.08 or 35 U.S.C. § 112. Reconsideration and withdrawal of the rejection of independent Claims 1 and 55 are hereby respectfully solicited. Claims 2-5 are dependent upon independent Claim 1. By virtue of their respective dependency and without addressing the additional patentable elements thereof, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claims 2-5.

Applicant submits that the subject application is in condition for allowance. Applicant respectfully requests that the Office issue a Notice of Allowance.

### Conclusion

Claims 6-54 and 56-57 are pending and have been identified by the Examiner as allowable. Applicant has traversed the improper rejection of Claims 1-5 and 55 under 35 U.S.C. § 112. Thus, Applicant believes that the application is in condition for allowance and, as such, it is requested that Claims 1-57 be allowed to issue in a U.S. Patent.

If the Examiner believes that an in-person or telephonic interview with the Applicant's representatives will expedite the prosecution of the subject patent application, the Examiner is invited to contact the undersigned agents of record.

Should any additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of the same, such a petition is made and the Office is authorized to charge such fees to Deposit Account No. 04-1679.

Respectfully submitted,



Mark C. Comtois

Reg. No. 46,285

Duane Morris LLP  
1667 K Street, N.W., Suite 700  
Washington, D.C. 20006  
Telephone: (202) 776-7800  
Telecopier: (202) 776-7801

Dated: November 13, 2007

**EXHIBIT A**